

Minutes of the Kansas Sentencing Commission Meeting May 12, 2006

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on May 12, 2006, at 1:45 p.m., once a quorum had been met. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

Attendance

Members: Honorable Ernest L. Johnson, Chairman; Honorable Christel Marquardt; Honorable Larry Solomon; Representative Janice Pauls; Representative Kevin Yoder; Roger Werholtz, Secretary of Corrections; Chris Mechler, Office of Judicial Administration; Rick Kittel, Board of Indigents' Defense Services; Kevin Graham, designee, Office of the Attorney General; Reverend Junius Dotson, Public Member; Captain Dale Finger, Public Member. **Staff:** Patricia Biggs, Executive Director; Natalie Gibson, Staff Attorney; Kunlun Chang, Research Director; Lora Moison, Research Analyst; Brenda Harmon, Administrative Assistant; Janice Brasher, Grant Administrator; Marty Schmiedeler, Accountant; Jennifer Dalton, Research Analyst.

Approval of the Minutes

The Chairman referred to the minutes of the March 24, 2006, Kansas Sentencing Commission meeting. A motion was made to approve the minutes by Ms. Chris Mechler and seconded by Mr. Kevin Graham. The motion carried.

Distribution of updated 2003 – Senate Bill 123 Operations Manual

Ms. Patricia Biggs announced that 100 updated SB 123 Operations Manuals were printed at the DOC Hutchinson Print Shop. They were also sent out in pdf format, and are posted on the KSC web site in pdf format so anyone can print their own from there. These printed manuals were distributed to Commission members for their reference.

Johnson County Therapeutic Community Billings under SB 123 – Update

Ms. Biggs provided the following update: By direction, following the last Commission conference call, a Governor's budget amendment was requested for the \$500,000 needed to pay the Johnson County Therapeutic Community billings for FY 06. KSC worked up an additional analysis, and resubmitted an amended request for \$87,500 (assuming the billing stays constant) at the request of Division of Budget. If the rate of growth continues, an additional \$200,000 could be needed.

The \$87,500 request went over to the Omnibus Conference Committee. They agreed with the \$87,500 supplemental request. The plan now stands at depositing the \$87,500 and paying Johnson County billings out of that amount. When the rest of the FY 06 billings are in and have been met, a check will be issued for that remainder. We were

also given instructions to use FY 07 funds, if necessary, to pay off the rest of that FY 06 bill. Through the end of March, their billings stand at \$339,000.

Introduction of New Members

Since the last meeting was held via conference call, Chairman Johnson introduced Reverend Junius Dotson and Captain Dale Finger as new Commission members. Reverend Dotson lives in Wichita, and Captain Finger lives in Leawood.

Bill Update

Staff Attorney Natalie Gibson provided a 2006 Legislative update. A handout listing each Bill with a description of the Bill, crimes created, penalties and actions taken was provided.

- a. Subcommittee formation: *Change to Guidelines (per K.S.A. 74-9191) as adult population will outpace capacity in less than two years.*

The new laws discussed will have an effect on prison population. Ms. Biggs stated while projections are not finished, she anticipates prisons will be out of space within the next two years. As the statute requires, we need to come up with a plan to bring population back under capacity. A subcommittee will need to be formed within the next few months. Preliminary numbers are being put together now with the help of Secretary of Corrections Roger Werholtz. A handout was provided showing the summary portions of the Proportionality Study from the VERA Institute of Justice, November 2004, for Commission members to consider when developing concepts to reduce prison population.

Sentencing Commission Statutory Duties Increase: House Bill 2576

Ms. Biggs announced the following staff changes: One new staff person was allocated to the Sentencing Commission to perform the additional duties required under HB 2576. This person will be working on projections for Civilly Committed sex offenders. A receptionist position was also funded, due to the restrictions on the inmate clerk diminishing the work load able to be performed. A program consultant was also approved to help handle the volume under SB 123. Funding for office space that was needed to house the new positions was allocated. Now that the office space will be available, the consultant position that has been open for more than a year will be posted. This person will work on the backlog of some of the SB 123 analytic functions that have been mostly sitting dormant for the past year, as well as Juvenile Justice Projections.

Status Update on Data request: University of Pennsylvania, Claire S.H. Lim

Ms. Biggs provided an update on the data request from a researcher in the department of economics, University of Pennsylvania. A \$3,150 check was received as half

payment, and the data files were sent to her the first part of May. The remaining \$3,150 is due within 30 days of receipt.

Kansas Open Records Act (KORA)

Staff Attorney Natalie Gibson has been working to make sure KSC has a current KORA policy. She has prepared a brochure that is available upon request, and the KORA policy will be added to the KSC web page soon. Handouts were provided.

NASC Philadelphia, August 6-8, 2006: Reminder

Funding is available for three Commission members to attend the NASC Conference in Philadelphia August 6-8th. At this time, interest has been expressed by one. We'd like to pay registration and air fare out of the FY 06 budget if possible, so please let Brenda Harmon know as soon as possible of any interest in attending.

SB 123 Implementation Evaluation Update

Ms. Biggs announced the first draft of the SB 123 Implementation Evaluation conducted by the VERA Institute of Justice that was due between January – February has not yet been received. She has been in contact with Mr. Stemen, who assured her it is in reviewer status at VERA, and we can expect our draft for review very soon. He also has submitted, with a letter of support from Ms. Biggs, a request for funding from the National Institute of Justice to do the three and five year evaluations, which are also required. No information is available at this time about whether or not such funding has been secured.

Next Meeting

The next Commission meeting is scheduled for Friday, June 15, 2006, at 1:30 p.m.

A motion to adjourn the meeting was made by Mr. Kevin Graham and seconded by Mr. Roger Werholtz. The motion carried, and the meeting was adjourned.